

James E. Mercante (JM 4231)
Yoon S. Han (YH 7602)
RUBIN FIORELLA & FRIEDMAN, LLP
292 Madison Avenue, 11th Floor
New York, New York 10017
(212) 953-2381
Attorneys for Defendant
ACE AMERICAN INSURANCE
COMPANY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Civil No. 07 cv 2761 (RPP)

MARK DeGEORGE

NOTICE OF MOTION

Plaintiff,

-against-

ACE AMERICAN INSURANCE COMPANY,

Defendant.

SIR:

PLEASE TAKE NOTICE that upon the annexed affidavit of James E. Mercante, sworn to on October 1, 2007, with exhibits attached thereto, the Memorandum of Law, and upon all pleadings and proceedings had herein, on 19th day of October 2007 at 9:30 a.m. or as soon thereafter as counsel may be heard defendant ACE AMERICAN INSURANCE COMPANY ("ACE") shall move before the Honorable Robert P. Patterson at, United States District Court, Southern District of New York, United States Courthouse, 500 Pearl Street, New York, NY 10007-1312, for an Order granting summary judgment that ACE is relieved of liability under DeGeorge's marine insurance policy pursuant to Fed. R. Civ. P. 56(c).

Dated: New York, New York
October 1, 2007

RUBIN, FIORELLA & FRIEDMAN LLP
Attorneys for Defendant
Ace American Insurance Company

By: 

James E. Mercante (JM 4231)
292 Madison Avenue
New York, New York 10017
(212) 953-2381

TO: Attn: Thomas Stock, Esq.
STOCK & CARR, ESQS.
Attorneys for the Plaintiff
88 Second Street
Mineola, New York 11501
(516) 747-2478